

REMARKS

§102 rejections

In the 10 September 2007 Office Action claims 44 – 59 and 65 - 81 are rejected under §102 as being anticipated by Database Management Systems by Gordon Everest (hereinafter, Everest). The Examiner has cited the Everest document as a reference. The Assignee respectfully traverses the rejections for anticipation in two ways. First, by noting that the rejections fail under both standards of the APA. Second, by noting that the Office Action has failed to establish a prima facie case of anticipation for any of the rejected claims. More specifically, the Office Action fails to establish a prima facie case of anticipation in as many as four separate ways for every rejected claim.

The first way in which the 10 September 2007 Office Action fails to establish a prima facie case of anticipation for many if not all of the rejected claims is that the Everest document fails to describe every element of the rejected claims. MPEP 2131 notes that:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The second way in which the 10 September 2007 Office Action fails to establish a prima facie case of anticipation for many if not all of the rejected claims is that the Everest document fails to provide the same level of detail that is present in the claim. MPEP 2131 notes that anticipation requires that:

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The third way in which the 10 September 2007 Office Action fails to establish a prima facie case of anticipation for many if not all of the claims is that the Office Action does not describe the basis in fact or technical reasoning that is required to support the allegations regarding allegedly inherent characteristics contained in the Everest reference. MPEP 2112 notes that:

"In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

The fourth way in which the 10 September 2007 Office Action fails to establish a prima facie case of anticipation for many if not all of the rejected claims is that the Everest document fails to enable the completion of any of the claims.

The Assignee respectfully submits that the rejection of independent claim 44 can be traversed by noting that Everest: is missing elements contained in claim 44, provides insufficient detail regarding elements of claim 44, fails to enable claim 44 and that any alleged inherency of features of claim 44 has not been explained. Elements of claim 44 not explicitly or inherently described in the Everest document include: aggregating data from a plurality of database management systems and/or using a common schema. Everest also lacks detail regarding aggregating data from a plurality of database management systems and a common schema and any alleged inherency of aggregating data from a plurality of database management systems and/or using a common schema has not been explained. The Assignee notes that there are still other ways in which the §102 rejection of claim 44 can be traversed. As a result of these deficiencies, a prima facie case that would support the anticipation rejection of claim 44 has not been established. Claims 45 - 52 are directly or indirectly dependent on claim 44 so the traversal of the claim 44 anticipation rejection also serves to traverse the rejection of these claims by making it clear that the Examiner has failed to establish a prima facie case of anticipation for the parent claim. The Assignee also notes that the claim rejections are moot because claim 44 has been amended.

The Assignee respectfully submits that the rejection of independent claim 53 can be traversed by noting that Everest: is missing elements contained in claim 53, provides insufficient detail regarding elements of claim 53, fails to enable claim 53 and that any alleged inherency of features of claim 53 has not been explained. Elements of claim 53 not explicitly or inherently described in the Everest document include: aggregating data from a plurality of database management systems or using a common schema. Everest also lacks detail regarding aggregating data from a plurality of database management systems and using a common schema and any alleged inherency of aggregating data from a plurality of database

management systems and/or using a common schema has not been explained. The Assignee notes that there are still other ways in which the §102 rejection of claim 53 can be traversed. As a result of these deficiencies, a prima facie case that would support the anticipation rejection of claim 53 has not been established. Claims 54 - 59 are directly or indirectly dependent on claim 53 so the traversal of the claim 53 anticipation rejection also serves to traverse the rejection of these claims by making it clear that the Examiner has failed to establish a prima facie case of anticipation for the parent claim. The Assignee also notes that the claim rejections are moot because claim 53 has been amended.

The Assignee respectfully submits that the rejection of independent claim 65 can be traversed by noting that Everest: is missing elements contained in claim 65, provides insufficient detail regarding elements of claim 65, fails to enable claim 65 and that any alleged inherency of features of claim 65 has not been explained. Elements of claim 65 not explicitly or inherently described in the Everest document include: aggregating data from a plurality of database management systems and/or using a common schema. Everest also lacks detail regarding aggregating data from a plurality of database management systems and using a common schema and any alleged inherency of aggregating data from a plurality of database management systems and/or using a common schema has not been explained. Everest also lacks detail regarding aggregating data from a plurality of database management systems and any alleged inherency of aggregating data from a plurality of database management systems has not been explained. The Assignee notes that there are still other ways in which the §102 rejection of claim 65 can be traversed. As a result of these deficiencies, a prima facie case that would support the anticipation rejection of claim 65 has not been established. Claims 66 is directly or indirectly dependent on claim 65 so the traversal of the claim 65 anticipation rejection also serves to traverse the rejection of this claim by making it clear that the Examiner has failed to establish a prima facie case of anticipation for the parent claim. The Assignee also notes that the claim rejections are moot because claim 65 has been amended.

The Assignee respectfully submits that the rejection of independent claim 67 can be traversed by noting that Everest: is missing elements contained in claim 67, provides insufficient detail regarding elements of claim 67, fail to enable claim 67 and that any alleged inherency of features of claim 67 has not been explained. Elements of claim 67 not explicitly or inherently described in the Everest document include: obtaining a plurality of data dictionaries and data

from a plurality of data sources via a network connection and/or using a common schema. Everest also lacks detail regarding obtaining a plurality of data dictionaries and data from a plurality of data sources via a network connection and/or using a common schema and any alleged inherency of obtaining a plurality of data dictionaries and data from a plurality of data sources via a network connection and/or using a common schema has not been explained. The Assignee notes that there are still other ways in which the §102 rejection of claim 67 can be traversed. As a result of these deficiencies, a prima facie case that would support the anticipation rejection of claim 67 has not been established. Claims 68 - 70 are directly dependent on claim 67 so the traversal of the claim 67 anticipation rejection also serves to traverse the rejection of these claims by making it clear that the Examiner has failed to establish a prima facie case of anticipation for the parent claim. The Assignee also notes that the claim rejections are moot because claim 67 has been amended.

The Assignee respectfully submits that the rejection of independent claim 71 can be traversed by noting that Everest: is missing elements contained in claim 71, provides insufficient detail regarding elements of claim 71, fails to enable claim 71 and that any alleged inherency of features of claim 71 has not been explained. Elements of claim 71 not explicitly or inherently described in the Everest document include: obtaining a plurality of data dictionaries and data from a plurality of data sources via a network connection and/or using a common schema. Everest also lacks detail regarding obtaining a plurality of data dictionaries and data from a plurality of data sources via a network connection and/or using a common schema and any alleged inherency of obtaining a plurality of data dictionaries and data from a plurality of data sources via a network connection and/or using a common schema has not been explained. The Assignee notes that there are still other ways in which the §102 rejection of claim 71 can be traversed. As a result of these deficiencies, a prima facie case that would support the anticipation rejection of claim 71 has not been established. Claims 72 - 76 are directly dependent on claim 71 so the traversal of the claim 71 anticipation rejection also serves to traverse the rejection of these claims by making it clear that the Examiner has failed to establish a prima facie case of anticipation for the parent claim. The Assignee also notes that the claim rejections are moot because claim 71 has been amended.

The Assignee respectfully submits that the rejection of independent claim 77 can be traversed by noting that Everest: is missing elements contained in claim 77, provides insufficient

detail regarding elements of claim 77, fails to enable claim 77 and that any alleged inherency of features of claim 77 has not been explained. Elements of claim 77 not explicitly or inherently described in the Everest document include: obtaining a plurality of data dictionaries and data from a plurality of data sources via a network connection and/or using a common schema. Everest also lacks detail regarding obtaining a plurality of data dictionaries and data from a plurality of data sources via a network connection and/or using a common schema and any alleged inherency of obtaining a plurality of data dictionaries and data from a plurality of data sources via a network connection and/or using a common schema has not been explained. The Assignee notes that there are still other ways in which the §102 rejection of claim 77 can be traversed. As a result of these deficiencies, a prima facie case that would support the anticipation rejection of claim 77 has not been established. Claims 78 - 81 are directly dependent on claim 77 so the traversal of the claim 77 anticipation rejection also serves to traverse the rejection of these claims by making it clear that the Examiner has failed to establish a prima facie case of anticipation for the parent claim. The Assignee also notes that the claim rejections are moot because claim 77 has been amended.

Summarizing the above, the Assignee respectfully submits that the Examiner has failed to produce the evidence required to establish a prima facie case of anticipation for a single claim. The complete failure to identify anticipation at the claim level clearly illustrates the fact that the cited reference is not even remotely similar to the claimed invention. As noted in MPEP 2112, anticipation requires that a substantial identity be established. Taken together, these failures provide additional evidence that the claimed invention for producing concrete, tangible and useful results is new, novel and non-obvious. The Assignee notes that there are still other ways in which the §102 anticipation rejections in the 10 September 2007 Office Action for claims 44 – 59 and 65 - 81 can be traversed.

The Assignee notes that the U.S.P.T.O. has issued over 3,000 patents with claims for neural networks (see Appendix). Finally, the Assignee also notes that with respect to the prosecution of the instant application, it appears that the U.S.P.T.O. has not fully complied with the requirements set forth in 35 USC 3.

Statement under 37 CFR 1.111

37 CFR 1.111 requires that the basis for amendments to the claims be pointed out after consideration of the references cited or the objections made. 37 CFR 1.111 states in part that:

In amending in response to a rejection of claims in an application or patent undergoing reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections.

The Assignee notes that this requirement is not relevant to the instant application because, as detailed above, there are no references or objections to avoid. Having said that, the Assignee notes that the prior set of claims were amended was to put the application in final form for allowance and issue.

Reservation of rights

The Assignee hereby explicitly reserves the right to present the previously modified and/or canceled claims for re-examination in their original format. The cancellation or modification of pending claims to put the instant application in a final form for allowance and issue is not to be construed as a surrender of subject matters covered by the original claims before their cancellation or modification.

Conclusion

The pending claims are of a form and scope for allowance. Prompt notification thereof is respectfully requested.

Respectfully submitted,

/B.J. Bennett/

B.J. Bennett, President Asset Trust, Inc.

Date: November 30, 2007

APPENDIX

USPTO PATENT FULL-TEXT AND IMAGE DATABASE[Home](#)[Quick](#)[Advanced](#)[Pat Num](#)[Help](#)[Next List](#)[Bottom](#)[View Cart](#)*Searching US Patent Collection...***Results of Search in US Patent Collection db for:****ACLM/"neural network": 3334 patents.****Hits 1 through 50 out of 3334**[Next 50 Hits](#)[Jump To](#) _____[Refine Search](#)

aclm/"neural network"

PAT.
NO. Title

- 1 [7,302,339](#) **T** [Hazard countermeasure system and method for vehicles](#)
- 2 [7,302,229](#) **T** [Enabling desired wireless connectivity in a high frequency wireless local area network](#)
- 3 [7,302,102](#) **T** [System and method for dynamically switching quality settings of a codec to maintain a target data rate](#)
- 4 [7,302,089](#) **T** [Autonomous optical wake-up intelligent sensor circuit](#)
- 5 [7,301,093](#) **T** [System and method that facilitates customizing media](#)
- 6 [7,299,214](#) **T** [System for predictive analysis of time series data flows](#)
- 7 [7,299,123](#) **T** [Method and device for estimating the inlet air flow in a combustion chamber of a cylinder of an internal combustion engine](#)
- 8 [7,298,823](#) **T** [Method and device for user-specific parameterization of an x-ray device](#)
- 9 [7,297,129](#) **T** [Bed-side information system](#)
- 10 [7,296,734](#) **T** [Systems and methods for scoring bank customers direct deposit account transaction activity to match financial behavior to specific acquisition, performance and risk events defined by the bank using a decision tree and stochastic process](#)
- 11 [7,296,012](#) **T** [Method of and apparatus for multimedia processing, and computer product](#)
- 12 [7,296,009](#) **T** [Search system](#)
- 13 [7,296,007](#) **T** [Real time context learning by software agents](#)
- 14 [7,296,006](#) **T** [Method of inferring rotorcraft gross weight](#)
- 15 [7,295,977](#) **T** [Extracting classifying data in music from an audio bitstream](#)
- 16 [7,295,961](#) **T** [Method for generating a circuit model](#)
- 17 [7,295,867](#) **T** [Signal processing for measurement of physiological analytes](#)

- 18 [7,295,831](#) **T** [Method and system for wireless intrusion detection prevention and security management](#)
- 19 [7,295,700](#) **T** [Object extraction based on color and visual texture](#)
- 20 [7,295,687](#) **T** [Face recognition method using artificial neural network and apparatus thereof](#)
- 21 [7,295,608](#) **T** [System and method for communicating media signals](#)
- 22 [7,295,124](#) **T** [Reflex tester and method for measurement](#)
- 23 [7,293,712](#) **T** [System and method to automatically discriminate between a signature and a dataform](#)
- 24 [7,293,063](#) **T** [System utilizing updated spam signatures for performing secondary signature-based analysis of a held e-mail to improve spam email detection](#)
- 25 [7,292,972](#) **T** [System and method for combining text summarizations](#)
- 26 [7,292,958](#) **T** [Systems and methods for predicting materials properties](#)
- 27 [7,292,952](#) **T** [Replacing a signal from a failed sensor in a computer system with an estimated signal derived from correlations with other signals](#)
- 28 [7,290,450](#) **T** [Process diagnostics](#)
- 29 [7,289,965](#) **T** [Systems and methods for home value scoring](#)
- 30 [7,289,835](#) **T** [Multivariate analysis of green to ultraviolet spectra of cell and tissue samples](#)
- 31 [7,288,921](#) **T** [Method and apparatus for providing economic analysis of power generation and distribution](#)
- 32 [7,287,273](#) **T** [Individual authentication method using input characteristic of input apparatus by network, program thereof, and recording medium containing the program](#)
- 33 [7,287,014](#) **T** [Plausible neural network with supervised and unsupervised cluster analysis](#)
- 34 [7,286,987](#) **T** [Multi-phoneme streamer and knowledge representation speech recognition system and method](#)
- 35 [7,286,699](#) **T** [System and method facilitating pattern recognition](#)
- 36 [7,286,629](#) **T** [Method for taking tomograms of a beating heart](#)
- 37 [7,286,484](#) **T** [Q-learning-based multi-rate transmission control \(MRTC\) scheme for RRC in WCDMA systems](#)
- 38 [7,284,769](#) **T** [Method and apparatus for sensing a vehicle crash](#)
- 39 [7,281,518](#) **T** [Method and system of diesel engine setpoint compensation for transient operation of a heavy duty diesel engine](#)
- 40 [7,281,001](#) **T** [Data quality system](#)
- 41 [7,280,989](#) **T** [Phase-locked loop oscillatory neurocomputer](#)
- 42 [7,280,987](#) **T** [Genetic algorithm based selection of neural network ensemble for processing well logging data](#)
- 43 [7,280,696](#) **T** [Video detection/verification system](#)
- 44 [7,277,838](#) **T** [Bootstrap data methodology for sequential hybrid model building](#)
- 45 [7,277,823](#) **T** [Method and system of monitoring and prognostics](#)
- 46 [7,277,764](#) **T** [Adaptive output feedback apparatuses and methods capable of controlling a non-minimum phase system](#)
- 47 [7,276,031](#) **T** [System and method for classifying patient's breathing using artificial neural network](#)
- 48 [7,275,048](#) **T** [Product support of computer-related products using intelligent agents](#)
- 49 [7,275,047](#) **T** [Method and apparatus for interpreting information](#)
- 50 [7,274,992](#) **T** [Method for predicting pore pressure](#)